

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

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In re:

BKY No. 09-50779  
Chapter 7

Dennis E. Hecker,

Debtor.

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**NOTICE OF HEARING AND MOTION FOR TURNOVER OF RECORDS**

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TO: Officer/Managing Agent, Timbers Real Estate Company, P.O. Box 6459, 65 Timbers Club Court, Snowmass Village, CO 81615; and Officer/Managing Agent, Timbers at Snowmass, LLC, P.O. Box 6459, 65 Timbers Club Court, Snowmass Village, CO 81615.

1. Randall L. Seaver, the Chapter 7 Trustee herein, moves the Court for the relief request below and gives Notice of hearing herewith.

2. The Court will hold a hearing on this motion at 2:00 p.m. on January 27, 2010, in Courtroom 8 West, U.S. Bankruptcy Court, 300 South Fourth Street, Minneapolis, MN 55415.

3. Any response to this motion must be filed and served by delivery not later than January 22, 2010 which is five days before the time set for the hearing (including Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT A HEARING.**

4. This Court has jurisdiction over this Motion under 28 U.S.C. §157 and §1334 and Bankruptcy Rule 5005. This Motion is filed under Local Rule 9013-2, this proceeding arises under 11 U.S.C. §542(e) and Local Rule 6072-1.

5. The petition commencing this Chapter 7 case was filed on June 4, 2009. The case is now pending in this Court.

6. The trustee seeks turnover to the trustee of any and all documents relating to or evidencing any membership ownership, property ownership, ownership of Social Unit S-06 and any other interest held by Dennis Hecker in or to the Timbers Club at Snowmass, including, without limitation:

- a. Copies of all correspondence, including e-mail correspondence, between The Timbers Club at Snowmass and Dennis Hecker and/or Tamitha Hecker or their attorneys and agents from November 1, 2004 to date.
- b. Copies of all records evidencing any use or permitted use of parking space S6 or any of the Timbers Club facilities by Dennis Hecker and/or Tamitha Hecker or their guests from November 1, 2004 to date.
- c. Copies of all payment histories for any dues or other payments made by or on behalf of Dennis Hecker to Timbers Club at Snowmass from November 1, 2004 to date, together with copies of checks, if any.
- d. Copies of any and all agreements or other documents that evidence the rights of Dennis Hecker to use Timbers at Snowmass facilities from November 1, 2004 to date.

WHEREFORE, the trustee requests an order of the court requiring Timbers Real Estate Company and Timbers at Snowmass, LLC to turn over the following:

1. Any and all documents relating to or evidencing any membership ownership, property ownership, ownership of Social Unit S-06 and any other interest held by Dennis Hecker in or to the Timbers Club at Snowmass, including, without limitation:

- a. Copies of all correspondence, including e-mail correspondence, between The Timbers Club at Snowmass and Dennis Hecker and/or Tamitha Hecker or their attorneys and agents from November 1, 2004 to date.
- b. Copies of all records evidencing any use or permitted use of parking space S6 or any of the Timbers Club facilities by Dennis Hecker and/or Tamitha Hecker or their guests from November 1, 2004 to date.
- c. Copies of all payment histories for any dues or other payments made by or on behalf of Dennis Hecker to Timbers Club at Snowmass from November 1, 2004 to date, together with copies of checks, if any.

- d. Copies of any and all agreements or other documents that evidence the rights of Dennis Hecker to use Timbers at Snowmass facilities from November 1, 2004 to date.

**LEONARD, O'BRIEN, SPENCER,  
GALE & SAYRE, LTD.**

/e/ Matthew R. Burton

Dated: January 8, 2010

By: \_\_\_\_\_

Matthew R. Burton  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

Attorneys for Randall L. Seaver, Trustee

**VERIFICATION**

I, Randall L. Seaver, Trustee for the Bankruptcy Estate of Dennis E. Hecker named in the foregoing Notice of Hearing and Motion declare under penalty of perjury that the foregoing is true and correct according to the best of my knowledge, information and belief.

/s/ Randall L. Seaver

Executed on January 8, 2010

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Randall L. Seaver, Trustee

414751

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

BKY No. 09-50779

Dennis E. Hecker,

Chapter 7

Debtor.

**UNSWORN CERTIFICATE OF SERVICE**

I hereby certify that on January 8, 2010, I caused the following documents:

***Notice of Hearing and Motion for Turnover of Records and Order (proposed)***

to be filed electronically with the Clerk of Court through ECF, and that the above documents will be delivered by automatic e-mail notification pursuant to ECF and this constitutes service or notice pursuant to Local Rule 9006-1(a).

I further certify that I caused a copy of the foregoing documents to be mailed by first-class mail, postage paid, to the following:

Timbers Real Estate Company  
Attn: Officer/Managing Agent  
P.O. Box 6459  
65 Timbers Club Court  
Snowmass Village, CO 81615

Timbers at Snowmass, LLC  
Attn: Officer/Managing Agent  
P.O. Box 6459  
65 Timbers Club Court  
Snowmass Village, CO 81615

Dennis E. Hecker  
P.O. Box 1017  
Crosslake, MN 56442

Michael B. Lubic  
Sonnenschein Nath & Rosenthal LLP  
601 S Figueroa St Ste 2500  
Los Angeles, CA 90017-5704

Michael W. Malter  
Binder & Malter LLP  
2775 Park Avenue  
Santa Clara, CA 95050

/e/ Stephanie Wood

Dated: January 8, 2010

Stephanie Wood  
100 South Fifth Street, Suite 2500  
Minneapolis, MN 55402  
(612) 332-1030

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA**

In re:

BKY No. 09-50779

Chapter 7

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**ORDER**

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This case came before the court on the motion of Randall L. Seaver, Chapter 7 trustee, for turnover of property of the estate.

Upon the motion and the files,

It is ordered that within seven (7) days from the entry of this Order, Timbers Real Estate Company and Timber at Snowmass, LLC shall turnover to the trustee:

1. Any and all documents relating to or evidencing any membership ownership, property ownership, ownership of Social Unit S-06 and any other interest held by Dennis Hecker in or to the Timbers Club at Snowmass, including, without limitation:

- a. Copies of all correspondence, including e-mail correspondence, between The Timbers Club at Snowmass and Dennis Hecker and/or Tamitha Hecker or their attorneys and agents from November 1, 2004 to date.
- b. Copies of all records evidencing any use or permitted use of parking space S6 or any of the Timbers Club facilities by Dennis Hecker and/or Tamitha Hecker or their guests from November 1, 2004 to date.
- c. Copies of all payment histories for any dues or other payments made by or on behalf of Dennis Hecker to Timbers Club at Snowmass from November 1, 2004 to date, together with copies of checks, if any.
- d. Copies of any and all agreements or other documents that evidence the rights of Dennis Hecker to use Timbers at Snowmass facilities from November 1, 2004 to date.

Dated: \_\_\_\_\_

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